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4 UNITED STATES DISTRICT COURT
5 DISTRICT OF NEVADA
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7 BRANDYN GAYLER,
8 Plaintiff,

9 v.

10 HIGH DESERT STATE PRISON et al.,
11 Defendants.
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Case No. 2:14-cv-769-APG-CWH

Order

13 **I. DISCUSSION**

14 On July 7, 2014, this Court entered a screening order and stayed the case for 90
15 days to give the parties an opportunity to settle their dispute. (Dkt. #6). On October 23,
16 2014, Defendants filed a status report indicating that the parties had not reached a
17 settlement and that Defendants intended to proceed with the action. (Dkt. #13).

18 On October 24, 2014, Plaintiff, *pro se*, filed a motion to certify a class. (Dkt. #14).
19 Plaintiff asserts that if a class-action is too complex for him to handle *pro se* then the
20 Court should appoint counsel. (*Id.* at 10).

21 *Pro se* litigants have the right to plead and conduct their own cases personally.
22 See 28 U.S.C. § 1654. However, *pro se* litigants have no authority to represent anyone
23 other than themselves. See *Cato v. United States*, 70 F.3d 1103, 1105 n.1 (9th Cir.
24 1995); *C.E. Pope Equity Trust v. United States*, 818 F.2d 696, 697 (9th Cir. 1987).

25 A litigant does not have a constitutional right to appointed counsel in 42 U.S.C. §
26 1983 civil rights claims. *Storseth v. Spellman*, 654 F.2d 1349, 1353 (9th Cir. 1981).
27 Pursuant to 28 U.S.C. § 1915(e)(1), "[t]he court may request an attorney to represent
28 any person unable to afford counsel." However, the court will appoint counsel for

1 indigent civil litigants only in "exceptional circumstances." *Palmer v. Valdez*, 560 F.3d
2 965, 970 (9th Cir. 2009) (§ 1983 action). "When determining whether 'exceptional
3 circumstances' exist, a court must consider 'the likelihood of success on the merits as
4 well as the ability of the petitioner to articulate his claims *pro se* in light of the complexity
5 of the legal issues involved." *Id.* "Neither of these considerations is dispositive and
6 instead must be viewed together." *Id.*

7 The Court denies the motion to certify a class. First, Plaintiff, who is *pro se*, may
8 not represent anyone but himself in this litigation. Second, the Court does not find
9 exceptional circumstances in Plaintiff's case that would warrant the appointment of
10 counsel in Plaintiff's individual case. As such, the Court denies Plaintiff's motion to
11 certify a class and appoint counsel at this time.

12 **II. CONCLUSION**

13 For the foregoing reasons,

14 **IT IS ORDERED** that the motion to certify a class (Dkt. #14) is denied.

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16 DATED this 3rd day of November, 2014.

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19 United States District Judge
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